

CA9-98-030

**REMARKS/ARGUMENTS**

The applicant's attorney thanks the Examiner for a courteous and informative interview. In the interview the Examiner pointed out that though she received my faxed copy of the mailed amendment dated July 28, 2004, she had not received it through the Patent Office network. The Examiner indicated that she could not take any official written action until she received the official network transmissions of any applicant responses, but could orally confirm her decision to me based on what is faxed directly to her.

During the interview, applicant's attorney repeated what was stated in the amendment in response to the final rejection about the claims rejected under 102(e) being patentably distinct from the Carroll patent and that the Carroll patent, and the present application, were both obligated to be assigned to the same assignee and therefore Carroll could not be used as a basis of rejection of claims under 35 USC 103. The Examiner agreed that the claims rejected under 35 USC 103 based on the Carroll patent should be allowable in view of the common ownership of the Carroll patent and this application. However, the Examiner indicated that the invention was not specifically defined in independent claims 1 and 22 to be patentably distinct from Carroll and suggested that with respect to these claims they could be made clearer by inclusion of subject matter, such as that in claim 3, calling for the source of the data decrypting and providing the data directly from an environment secure from the repository manager. As a result of these comments, applicant's attorney has amended the claims by incorporating subject matter from the dependent claims into the independent claims of the application. As

CA9-98-030

specifically discussed, subject matter of claims 2 and 3 has been incorporated into claim 1, and the subject matter of claim 23 was incorporated into claim 22 so that both these claims now called for the source decrypting the encrypted data and passing it directly to the requesting party without providing access to the data repository manager. Though claim 12 was not discussed, the applicant's attorney called the Examiner and told her that he would similarly limit claim 12 to not provide access to the repository manager during transfer of data by incorporating the language of claim 13 into it. With respect to claims rejected under 35 USC 103, applicant's attorney has added the subject matter of claims 8 and 9 to claim 7 and the allowable subject matter of 18 and 19 into claim 17.

For the above reasons, applicant's attorney now considers the application in condition for allowance. The applicant's attorney understands that the Examiner will talk to her Supervisor on Monday, August 30, 2004, about this amendment which will be faxed to her, and will then call the applicant's attorney and inform him of the Patent Office decision. However, issuing of a formal Notice of Allowance must await receipt by the Examiner, through the Patent Office network, of applicant's response to the final rejection and this Record of Interview and amendment.

CA9-98-030

For the above reasons, it is respectfully submitted that the claims are allowable over the prior art and the application is in condition for allowance. Therefore, it is requested that the application be reconsidered, allowed and passed to issue.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "James E. Murray", is written over a horizontal line.

James E. Murray - Attorney

Reg. No.: 20,915

Telephone No.: (845) 462-4763